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August 1, 2007

BY E-FILE

The Honorable Joseph J. Farnan, Jr.
United States District Court
District of Delaware
Lockbox 27
844 King Street
U.S. Courthouse
Wilmington, DE 19801

Re: Board of Education of the Appoquinimink School District, et al.
v. SQJ, V
Civil Action No. 06-770 JJF

Dear Judge Farnan:

Please find attached the parties' Proposed Scheduling Order which is being submitted pursuant to the Court's letter dated July 16, 2007.

Respectfully submitted,



Michael P. Stafford (I.D. No. 4461)

MPS:mmcm

Enclosure

cc: Jennifer L. Kline, Esquire
Patricia M. O'Neill, Esquire

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE BOARD OF EDUCATION OF THE
APPOQUINIMINK SCHOOL DISTRICT,
and THE DELAWARE DEPARTMENT OF
EDUCATION,

Plaintiffs, Counterclaim
Defendants, and

VALERIE WOODRUFF, SECRETARY OF
EDUCATION FOR THE STATE OF
DELAWARE,

Counterclaim Defendant,

v.

MR. & MRS. SQJ, IV, parents of
SQJ, V,

Defendants, and

MR. & MRS. SQJ, IV individually and on behalf
of their son, SQJ, V,

Counterclaim Plaintiffs.

C.A. No. 06-770-JJF

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **August 15, 2007** the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **August 24, 2007**.

3. **Discovery.**

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by **October 1, 2007**.

(b) Maximum of 25 interrogatories by each party to any other party.

(c) Maximum of 25 requests for admission by each party to any other party.

(d) Maximum of 7 depositions by Plaintiffs and 7 by Defendants. Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed. Depositions shall be completed by **October 31, 2007**.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from Plaintiffs by **September 4, 2007** and from Defendants by **October 8, 2007**.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

4. **Discovery Disputes.**

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issues in dispute, the party's position on the issues, and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before **August 24, 2007**.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed on or before **November 15, 2007**. Answering Briefs shall be served and filed on or before **December 17, 2007**. Reply Briefs shall be served and filed on or before **January 11, 2008**.

7. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmission will be accepted.

(c) No telephone calls will be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

8. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

Date

The Honorable Joseph J. Farnan, Jr.